

REMARKS

In response to the Office action mailed on 16 June 2005 (Paper No. 20050607), Applicant respectfully requests clarification as to the matters discussed below.

Specifically, in paragraph 2 of the Office action, the Examiner rejected claims 1 through 3 under 35 U.S.C. §102(b) as being anticipated by Holloway *et al.*, U.S. Patent No. 5,805,801 in view of Sofer *et al.*, U.S. Patent No. 5,489,896.

It is noted that in order for an anticipation rejection to be proper, the anticipating reference must disclose exactly what is claimed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

This is to say, both the U.S. Patent & Trademark Office and Federal Circuit require that for a claimed invention to be properly rejected under §102, the claimed invention must be completely described or illustrated within the "four corners" of **a single prior art reference**.

It is therefore **improper** for the Examiner to reject claims under 35 U.S.C. §102 based

upon a combination of prior art references.

Therefore, Applicant respectfully requests that the Examiner provide clarification as to the rejection of *all pending claims 1 through 21*, and that the period for response be restarted as of the date of the clarifying communication.

If there are any questions, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



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